



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,196	12/20/2001	Oliver Schnell	BETPT177	7748
49691	7590	05/15/2006	EXAMINER	
IP STRATEGIES 12 1/2 WALL STREET SUITE I ASHEVILLE, NC 28801			GLASS, RUSSELL S	
			ART UNIT	PAPER NUMBER
			3626	

DATE MAILED: 05/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/034,196	Applicant(s) SCHNELL, OLIVER	
	Examiner Russell S. Glass	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/27/02 3/22/02
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 1. Claims 4, 12, 13, 17, 19, 27, 28, 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

As per claims 4, 13, 17, 27, 28, the claims contain the limitation "and/or" that renders the scope of the claim indefinite.

As per claims 12, 13, 28, the claims contain the limitation "licensed" or "newly licensed". Since licensing requirements are subject to change, the scope of the claims are considered to be indefinite.

As per claim 19, the claim limitation "preferably roughly 48 hours" is considered to be indefinite.

Regarding claim 35, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3626

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-22, 24-35, 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kehr et al., (U.S. 5,954,641) in view of Korpi et al., (U.S. 6,198,696 B1), and further in view of Schwibinger, (British App. No. 2,304,426 A).**

3. As per claim 1, The collective system of Kher, Korpi, and Schwibinger discloses a method executable on a computer system for producing an adapted travel treatment plan for administering a medicine in the event of a long-haul journey, having the steps:

recording of an regular treatment plan for administering the medicine, (Kehr, col. 2, lines 6-39; col. 3, line 7-col. 4, line 20), recording of the point of departure and destination as well as the time of travel of the long-haul journey, (Korpi, Abstract, col. 2, line 25-col. 3, line 44),

determining the time zone difference between the point of departure and destination, (Korpi, Abstract, col. 2, line 25-col. 3, line 44), and

producing an adapted travel plan based on the regular plan depending on the time zone difference and the time of travel, (Korpi, Abstract, col. 2, line 25-col. 3, line 44).

Korpi fails to include treatment in the adapted travel plan, however including a treatment plan into a travel itinerary is well known in the art as evidenced by Schwibinger.

It would be obvious to one of ordinary skill in the art at the time of the invention to combine the treatment plan in Kehr with the adapted travel plan of Korpi, and then add Schwibinger. The motivation would have been to timely administer a treatment plan for jet-lag, (Schwibinger, Abstract; p. 2; Claim 5)(disclosing a travel treatment regimen of medication such as chronobiotics, benzodiazepines or caffeine.)

4. As per claim 2, Korpi discloses a set of travel plans being drawn up depending on a period between a last period according to the regular plan, taking the local time at the point of departure of the long-haul journey as a basis, and the next period according to the regular plan, taking the local time at the destination as a basis, (Korpi, Abstract, col. 2, line 25-col. 3, line 44) (the reference time is considered to be equivalent to a non-application period since it performs an identical function in substantially the same way and produces substantially the same results, i.e. displaying the total unadjusted elapsed time since departure).

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

5. As per claim 3, Korpi discloses a method wherein the set of travel plans being stored in a storage device, time being determined on the basis of the recorded point of departure and destination and the time of travel or time of time zone changeover and the travel treatment plan to be applied being selected from the set of travel treatment

Art Unit: 3626

plans on the basis of the recorded point of departure and destination, (Korpi, Abstract, col. 2, line 25-col. 3, line 44) (the reference time is considered to be equivalent to a non-application period since it performs an identical function in substantially the same way and produces substantially the same results, i.e. displaying the total unadjusted elapsed time since departure).

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

6. As per claim 4, Kehr discloses various travel treatment plans being produced for various types of insulin and/or blood-sugar-lowering medicines, (Kehr, col.3, lines 21,22; col. 9, line 64) (disclosing treatment regimens including physiologic information for glucose levels).

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

7. As per claim 5, Schwibinger discloses a travel treatment plan containing additional notes on recommended times for food intake, in particular of carbohydrates, (Schwibinger, Abstract; p. 2; Claim 5).

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

Art Unit: 3626

8. As per claim 6, Schwibinger discloses a travel treatment plan also comprising recording of an actual intake of carbohydrates due to supplying of food, (Schwibinger, Abstract; p. 2; Claim 5).

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

9. As per claim 7, Schwibinger discloses a travel treatment plan wherein the carbohydrate intake is being recorded by entry by the user, (Schwibinger, Abstract; p. 2; Claim 5).

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

10. As per claim 8, Kehr discloses a method also comprising recording of the blood sugar concentration of the user, (Kehr, col.3, lines 21,22; col. 9, line 64) (disclosing treatment regimens including physiologic information for glucose levels).

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

11. As per claim 9, Kehr discloses a method, also comprising continuous recording of the blood sugar concentration by glucose sensors or non-invasive techniques, (Kehr, col. 3, lines 21,22; col. 9, line 64) (disclosing treatment regimens including physiologic information for glucose levels).

Art Unit: 3626

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

12. As per claim 10, Kehr discloses a method, also comprising continuous recording of the sugar concentration in other body fluids, (Kehr, col. 3, lines 21,22; col. 9, line 64) (disclosing treatment regimens including physiologic information for glucose levels).

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

13. As per claim 11, Kehr discloses a method, wherein the various insulin types being classified according to their action profile, (Kehr, col. 3, lines 45-54) (disclosing classification of medication dosages by sorting and labeling).

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

14. As per claim 12, Kehr discloses a method, wherein all insulin and/or blood-sugar-lowering therapeutics licensed in a starting and/or destination country of a journey being included in the set of travel treatment plans, (Kehr, col. 3, lines 21,22; col. 9, line 64) (disclosing treatment regimens including physiologic information for glucose levels).

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

Art Unit: 3626

15. As per claim 13, Kehr discloses a method, wherein the set of travel treatment plans being updated in the case of newly licensed insulin preparations and/or blood-sugar-lowering therapeutics, (Kehr, col. 4, lines 1-5)(disclosing periodical updates and changes).

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

16. As per claim 14, Kehr discloses a method, wherein the set of travel treatment plans being updated in line with new medical findings, (Kehr, col. 4, lines 1-5)(disclosing periodical updates and changes).

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

16. As per claim 15, Schwibinger discloses a method, wherein any local time arrangements such as summertime adjustments in individual time zones being taken into account when producing the travel treatment plan, (Schwibinger, Abstract; p. 5).

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

17. As per claim 16, Korpi discloses a method wherein the point of departure and destination of the long-haul journey being ascertained via a satellite communications system (GPS), (Korpi, col. 3, lines 28-43).

Art Unit: 3626

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

18. As per claim 17, Korpi discloses a method, wherein the travel treatment plan produced being retrievable from a central computer via the Internet and/or wireless communication media, (Korpi, col. 1, line 26).

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

19. As per claim 18, Korpi discloses a method, wherein the travel treatment plan covering a set transition period following the time at which the clock time is changed over, (Korpi, Abstract, col. 2, line 3-col. 3, line 44).

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

20. As per claim 19, Korpi discloses a method, wherein the transition period being up to 14 days, preferably roughly 48 hours, (Korpi, Abstract, col. 2, line 3-col. 3, line 44).

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

21. As per claim 20, Korpi discloses a related set of travel treatment plans being stored for a preset regular treatment plan as a worksheet of a spreadsheet program,

Art Unit: 3626

(Korpi, col. 1, lines 13-52)(disclosing laptops and PDA's with personal information manager programs with electronic calendaring functions that are considered to be a form of spreadsheet program).

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

22. As per claim 21, Korpi discloses a method, wherein one line containing the time sequence of the regular treatment plan and following lines containing the related travel treatment plan for various time zone differences, (Korpi, Abstract, col. 2, line 3-col. 3, line 44).

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

23. As per claim 22, Kehr discloses a method, wherein a travel treatment plan being produced for continuous blood-sugar-lowering therapy by means of an insulin dosing device, (Kehr, col. 3, lines 21,22; col. 9, line 64) (disclosing treatment regimens including physiologic information for glucose levels).

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

24. As per claim 24, The collective system of Kher, Korpi, and Schwibinger discloses

Art Unit: 3626

a device for producing an adapted travel treatment plan for administering a medicine in the event of a long-haul journey, comprising:

a device for recording an regular treatment plan for administering the medicine, (Kehr, col. 2, lines 6-39; col. 3, line 7-col. 4, line 20),

a device for producing a set of travel plans based on the regular plan for various time zone differences and times of time zone changeover, (Korpi, Abstract, col. 2, line 25-col. 3, line 44),

a storage device for storing the set of adapted travel plans, (Korpi, Abstract, col. 2, line 25-col. 3, line 44),

a device for recording the point of departure and destination of the long-haul journey, (Korpi, Abstract, col. 2, line 25-col. 3, line 44),

a device for determining the time zone difference, (Korpi, Abstract, col. 2, line 25-col. 3, line 44),

a selection device for selecting one of the stored travel plans depending on the time zone difference and the time of time zone changeover, (Korpi, Abstract, col. 2, line 25-col. 3, line 44) and

an output device for outputting the selected plan, (Korpi, Abstract, col. 2, line 25-col. 3, line 44).

Korpi fails to include treatment in the adapted travel plan, however including a treatment plan into a travel itinerary is well known in the art as evidenced by Schwibinger.

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

25. As per claim 25, Korpi discloses a device for producing a set of travel plans determining a non-application period from the last application according to the regular plan according to the starting time zone to the next application according to the plan according to the destination time zone as an ordering parameter for the set of travel treatment plans, (Korpi, Abstract, col. 2, line 25-col. 3, line 44) (the reference time is considered to be equivalent to a non-application period since it performs an identical function in substantially the same way and produces substantially the same results, i.e. displaying the total unadjusted elapsed time since departure).

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

26. As per claim 26. Kehr discloses the travel treatment plan produced being provided for the treatment of diabetes, (Kehr, col.3, lines 21,22; col. 9, line 64). (disclosing treatment regimens including physiologic information for glucose levels).

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

27. As per claim 27, Kehr discloses a treatment plan comprising insulin doses, blood-

Art Unit: 3626

sugar-lowering therapeutics and/or instructions for the intake of meals, (Kehr, col.3, lines 21,22; col. 9, line 64) (disclosing treatment regimens including physiologic information for glucose levels).

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

28. As per claim 28, Kehr discloses a storage device containing sets of travel treatment plans for all licensed insulin types and/or blood-sugar-lowering therapeutics licensed in the country of departure and/or destination, (Kehr, col.3, lines 21,22; col. 9, line 64) (disclosing treatment regimens including physiologic information for glucose levels).

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

29. As per claim 29, Kehr discloses a device producing an adapted travel treatment plan for a continuous blood-sugar-lowering therapy by means of an insulin dosing device, (Kehr, col.3, lines 21,22; col. 9, line 64) (disclosing treatment regimens including physiologic information for glucose levels).

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

30. As per claim 30, Schwibinger discloses a device for calculating the time zone

difference taking local time adjustments such as summertime adjustments into account, (Schwibinger, Abstract; p. 5).

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

31. As per claim 31, Korpi discloses a device, also having an input device for entering the point of departure and destination of the long-haul journey, (Korpi, Abstract, col. 2, line 25-col. 3, line 44).

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

32. As per claim 32, Korpi discloses a device, also having a device for determining position via a satellite communications system (GPS), (Korpi, col. 3, lines 28-43).

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

33. As per claim 33, Kehr discloses a device, also having an acoustic or optical warning device to give a reminder of a required application of a medicine, (Kehr, col. 8, lines 7-19).

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

Art Unit: 3626

34. As per claim 34, Korpi discloses a device, also having a display device to display the travel plan, (Korpi, Abstract, col. 2, line 25-col. 3, line 44).

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

35. As per claim 35, Korpi discloses a device, the device being integrated into a mobile terminal device such as a laptop computer, an electronic organizer (Personal Digital Assistant, PDA) or a mobile telephone, (Korpi, Abstract, col. 1, line 13-col. 3, line 44).

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

36. As per claim 38, The collective system of Kehr, Korpi, and Schwibinger discloses a computer program product with program code for the production, on a computer, of an adapted travel treatment plan for administering a medicine in the event of a long-haul journey, having the steps:

recording of an regular treatment plan for administering the medicine, (Kehr, col. 2, lines 6-39; col. 3, line 7-col. 4, line 20),

recording of the point of departure and destination as well as the time of travel of the long-haul journey, (Korpi, Abstract, col. 2, line 25-col. 3, line 44),

determining the time zone difference between the point of departure and destination, (Korpi, Abstract, col. 2, line 25-col. 3, line 44), and

producing an adapted travel plan based on the regular plan depending on the time zone difference and the time of travel, (Korpi, Abstract, col. 2, line 25-col. 3, line 44).

Korpi fails to include treatment in the adapted travel plan, however including a treatment plan into a travel itinerary is well known in the art as evidenced by Schwibinger.

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

37. As per claim 39, The collective system of Kehr, Korpi, and Schwibinger discloses a storage medium with stored computer program for producing an adapted travel treatment plan for administering a medicine in the event of a long-haul journey by means of a computer due to the following steps:

recording of an regular treatment plan for administering the medicine, (Kehr, col. 2, lines 6-39; col. 3, line 7-col. 4, line 20),

recording of the point of departure and destination as well as the time of travel of the long-haul journey, (Korpi, Abstract, col. 2, line 25-col. 3, line 44),

determining the time zone difference between the point of departure and destination, (Korpi, Abstract, col. 2, line 25-col. 3, line 44), and

producing an adapted travel plan based on the regular plan depending on the time zone difference and the time of travel, (Korpi, Abstract, col. 2, line 25-col. 3, line 44).

Korpi fails to include treatment in the adapted travel plan, however including a treatment plan into a travel itinerary is well known in the art as evidenced by Schwibinger.

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

38. As per claim 40, The collective system of Kher, Korpi, and Schwibinger discloses a method for administering a medicine calling for application according to a regular time-related treatment plan, on a long-haul journey, having the steps:

recording of an regular treatment plan for administering the medicine, (Kehr, col. 2, lines 6-39; col. 3, line 7-col. 4, line 20),

recording of the point of departure and destination as well as the time of travel of the long-haul journey, (Korpi, Abstract, col. 2, line 25-col. 3, line 44),

determining the time zone difference between the point of departure and destination, (Korpi, Abstract, col. 2, line 25-col. 3, line 44), and

producing an adapted travel plan based on the regular plan depending on the time zone difference and the time of travel, (Korpi, Abstract, col. 2, line 25-col. 3, line 44), and

administering the medicine according to the treatment plan, (Kehr, Fig. 4; col. 2, lines 6-39; col. 3, line 7-col. 4, line 20).

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

39. Claims 23, 36, 37, 41, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kehr et al., (U.S. 5,954,641) in view of Korpi et al., (U.S. 6,198,696 B1), and further in view of Schwibinger, (British Pub. No. 2,304,426 A) and further in view of Kehr et al., (U.S. Pub. No. 2003/0036683) ("Kehr II").

40. As per claim 23, the collective system of Kehr, Korpi, and Schwibinger fail to disclose a travel treatment plan being produced for a contraceptive. However, such a method would be obvious to one of ordinary skill in the art in view of Kehr II, (Kehr II, ¶ 120) (disclosing treatment plans that monitor hormone levels, gender, and reproductive or endocrine systems).

It would be obvious to one of ordinary skill in the art to add Kehr II to the collective system disclosed by Kehr, Korpi, and Schwibinger. The motivation would be to link databases defining a patients treatment protocol with remote devices that prompt the outpatient to carry out a medical treatment plan while at a remote location, (Kehr II, Abstract).

41. As per claim 36, the collective system of Kehr, Korpi, and Schwibinger fail to disclose a device being integrated into an apparatus for measuring the blood sugar

Art Unit: 3626

values of a user. However, such a method would be obvious to one of ordinary skill in the art in view of Kehr II, (Kehr II, Fig. 1; ¶¶ 136-168).

The motivation to add Kehr II to the collective system of Kehr, Korpi, and Schwibinger is as provided in the rejection of claim 23 and incorporated herein by reference.

42. As per claim 37, the collective system of Kehr, Korpi, and Schwibinger fail to disclose the device being integrated into an apparatus for the continuous measurement of the sugar concentration of a user, However, such a method would be obvious to one of ordinary skill in the art in view of Kehr II, (Kehr II, Fig. 1; ¶¶ 136-168).

The motivation to combine Kehr, Korpi and Schwibinger is as provided in the rejection of claim 1 and incorporated herein by reference.

The motivation to add Kehr II to the collective system of Kehr, Korpi, and Schwibinger is as provided in the rejection of claim 23 and incorporated herein by reference.

43. As per claim 41, the collective system of Kehr, Korpi, and Schwibinger fail to disclose a method for administering insulin preparations and/or blood-sugar-lowering media. However, such a method would be obvious to one of ordinary skill in the art in view of Kehr II, (Kehr II, Fig. 1; ¶¶ 136-168).

The motivation to add Kehr II to the collective system of Kehr, Korpi, and Schwibinger is as provided in the rejection of claim 23 and incorporated herein by reference.

44. As per claim 42, the collective system of Kehr, Korpi, and Schwibinger fail to disclose a method for administering contraceptives. However, such a method would be obvious to one of ordinary skill in the art in view of Kehr II, (Kehr II, ¶ 120) (disclosing treatment plans that monitor hormone levels, gender, and reproductive or endocrine systems).

The motivation to add Kehr II to the collective system of Kehr, Korpi, and Schwibinger is as provided in the rejection of claim 23 and incorporated herein by reference.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Levinson, (U.S. 6,047,260); Brunts, (U.S. 5,724,316).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell S. Glass whose telephone number is 571-272-3132. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RSG
4/26/2006

RS6


C. LUKE GILLIGAN
PATENT EXAMINER